

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN WALDRON,

Plaintiff,

v.

DONALD GAETZ, *et al.*,

Defendants.

Case No. 11-cv-242-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff John Waldron's appeal (Doc. 75) of Magistrate Judge Philip M. Frazier's October 10, 2012, order (Doc. 67) granting in part and denying in part Waldron's motion to compel (Doc. 38). In his order, Magistrate Judge Frazier sustained a number of objections to Waldron's discovery requests because Waldron had not shown the materials he requested are relevant or would help him locate information pertaining to his procedural due process claim or a defense.

A district court reviewing a magistrate judge's decision on nondispositive issues should modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Court may also *sua sponte* reconsider any matter determined by a magistrate judge. L.R. 73.1(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009).

Waldron objects that Magistrate Judge Frazier ignored his request for appointment of counsel. Waldron's motion to compel made no such request.

Waldron also argues Magistrate Judge Frazier applied the wrong standard to his discovery requests. The Court has reviewed Magistrate Judge Frazier's October 10, 2012, order

and finds that it is not clearly erroneous or contrary to law. The Court further sees no reason to reconsider Magistrate Judge Frazier's ruling. Accordingly, the Court **AFFIRMS** the order (Doc. 67) and **OVERRULES** the defendant's appeal (Doc. 75).

IT IS SO ORDERED.

DATED: October 25, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE